

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

DEBRA JOYCE CLACKLER

Plaintiff(s),

V.

GLADYS DEESE, ET AL.

Defendant(s).

2:06-CV-172-WHA

ANSWER

COMES NOW the Defendant, Frank Albright, by and through the Attorney General for the State of Alabama, the Honorable Troy King, and in accordance with this Honorable Court's March 20, 2006 Order, offers the following response to Plaintiff's complaint:

1. The Defendant denies all allegations herein and demands strict proof thereof.

AFFIRMATIVE DEFENSES

1. The Defendant asserts the defenses of qualified immunity and immunity under the Eleventh Amendment.
2. The Defendant asserts that he can not be held liable based on the theory of respondeat superior under 42 USC 1983.
3. The Defendant asserts immunity pursuant to Section 14 of the Constitution of Alabama of 1901.

4. The Defendant asserts state-discretionary immunity.

Respectfully submitted,

TROY KING
Attorney General

/s/ Jeffery H. Long
Jeffery H. Long
Assistant Attorney General

ADDRESS OF COUNSEL:

Office of the Attorney General
11 South Union Street
Montgomery, AL 36130
(334) 242-7300

CERTIFICATE OF SERVICE

I hereby certify that I have, this the 1st day of May, 2006, electronically filed the foregoing with the Clerk of Court using the CM/ECF system and served a copy upon the Plaintiff by placing same in the United States Mail, postage prepaid and properly addressed as follows:

Debra Joyce Clackler, AIS 159516
Tutwiler Prison for Women
8966 US Hwy 231 N
Wetumpka, AL 36092

/s/ Jeffery H. Long
Jeffery H. Long
Assistant Attorney General